

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34791

STATE OF IDAHO,)	2008 Unpublished Opinion No. 720
)	
Plaintiff-Respondent,)	Filed: December 2, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
DIANNA MARIE WRIGHT,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Second Judicial District, State of Idaho, Latah County. Hon. John R. Stegner, District Judge.

Order denying I.C.R. 35 motion for correction of illegal sentences, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

In 2001, Dianna Marie Wright pled guilty to attempted kidnapping and aggravated battery. The district court sentenced Wright to a unified term of twelve and one-half years, with a minimum period of confinement of two and one-half years, for attempted kidnapping and a concurrent unified term of fifteen years, with a minimum period of confinement of two and one-half years, for aggravated battery. In 2007, Wright filed an I.C.R 35 motion for correction of illegal sentences, which the district court denied. Wright appeals.

Pursuant to Rule 35, the district court may correct an illegal sentence at any time. In an appeal from the denial of a motion under Rule 35 to correct an illegal sentence, the question of whether the sentence imposed is illegal is a question of law freely reviewable by the appellate court. *State v. Josephson*, 124 Idaho 286, 287, 858 P.2d 825, 826 (Ct. App. 1993); *State v. Rodriguez*, 119 Idaho 895, 897, 811 P.2d 505, 507 (Ct. App. 1991).

Having reviewed the record in this case, we conclude that Wright has failed to demonstrate that her sentences are illegal. Thus, the district court did not err in denying her Rule 35 motion. Therefore, the district court's order denying Wright's Rule 35 motion is affirmed.